Draft Order laid before Parliament under section 133A(8) of the Criminal Justice Act 1988 and section 373(3)(a) of the Armed Forces Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2025 No.

CRIMINAL LAW, ENGLAND AND WALES

CRIMINAL LAW, NORTHERN IRELAND

DEFENCE

The Compensation for Miscarriages of Justice (Alteration of Overall Compensation Limits) Order 2025

Made - - - - ***

Coming into force in accordance with article 1(2)

The Secretary of State makes this Order in exercise of the powers conferred by section 133A(7) of the Criminal Justice Act 1988(**a**) and section 276A(7) of the Armed Forces Act 2006(**b**).

In accordance with section 133A(8) of the Criminal Justice Act 1988 and section 373(3)(a) of the Armed Forces Act 2006(**c**), a draft of this Order has been laid before, and approved by a resolution of, each House of Parliament.

Citation, commencement and extent

1.—(1) This Order may be cited as the Compensation for Miscarriages of Justice (Alteration of Overall Compensation Limits) Order 2025.

(2) This Order comes into force on the day after the day on which it is made.

(3) Subject to paragraphs (4) and (5), this Order extends to England and Wales, Scotland and Northern Ireland.

(4) Articles 2 and 4(1) extend to England and Wales and Northern Ireland only.

(5) In section 384 of the Armed Forces Act 2006(**d**) (extent to Channel Islands, Isle of Man etc), any reference to that Act includes a reference to—

(**a**) 1988 c. 33. Section 133A was inserted by sections 61(1), (7) and (9) of the Criminal Justice and Immigration Act 2008 (c. 4) and has been amended by S.I. 2010/976.
(**b**) 2006 c. 52. Section 276A was inserted by paragraphs 10 and 30 of Schedule 25 to the Criminal Justice and Immigration Act 2008 (c. 4).
(**c**) Section 373(3)(a) was amended by paragraphs 10 and 31 of Schedule 25 to the Criminal Justice and Immigration Act 2008 (c. 4).
(**d**) Section 384 was amended by section 13(3) of the Armed Forces Act 2016 (c. 21) and S.I. 2012/2404.

(a) that Act as amended by article 3, and

(b) article 4(2).

Amendment to section 133A(5) of the Criminal Justice Act 1988

2.—(1) The Criminal Justice Act 1988 is amended as follows.

(2) In section 133A (miscarriages of justice: amount of compensation)—

(a) in subsection (5), after "overall compensation limit." for "That" substitute "In the case of compensation payable by the Department of Justice in Northern Ireland, that";

(b) after subsection (5) insert—

"(5A) In the case of compensation payable by the Secretary of State, the overall compensation limit for the purposes of subsection (5) is—

(a) £1,300,000 in a case to which section 133B(**a**) applies, and

(b) £650,000 in any other case."

Amendment to section 276A(5) of the Armed Forces Act 2006

3.—(1) The Armed Forces Act 2006 is amended as follows.

(2) In section 276A (miscarriages of justice: amount of compensation)—

(a) in subsection (5)(a), for "£1 million" substitute "£1,300,000";

(b) in subsection (5)(b), for "£500,000" substitute "£650,000".

Transitional provisions

4.—(1) Article 2 has effect in relation to—

(a) any application for compensation made under section 133(2)(**b**) of the Criminal Justice Act 1988 on or after the date on which this Order comes into force, and

(b) any application for compensation made under that section before the date on which this Order comes into force, but for which the assessor has not yet made an assessment of the amount of compensation under sections 133(4) and 133A of the Criminal Justice Act 1988.

(2) Article 3 has effect in relation to—

(a) any application for compensation made under section 276(3)(**c**) of the Armed Forces Act 2006 on or after the date on which this Order comes into force, and

(b) any application for compensation made under that section before the date on which this Order comes into force, but for which the assessor has not yet made an assessment of the amount of compensation under sections 276(5) and 276A of the Armed Forces Act 2006.

(**a**) Section 133B was inserted by sections 61(1), (7) and (9) of the Criminal Justice and Immigration Act 2008 (c. 4).

(**b**) Section 133 was amended by paragraph 16(4) of Schedule 2 and Schedule 3 to the Criminal Appeal Act 1995 (c. 35), section 7(8) of the Terrorism Act 2000 (c. 11), section 12(8) of the Prevention of Terrorism Act 2005 (c. 2), paragraph 1 of Schedule 11 to the Constitutional Reform Act 2005 (c. 4), paragraph 6(1) of the Schedule to the Criminal Proceedings etc. (Reform) (Scotland) Act 2007 (asp 6), sections 61(1), (2), (3), (4), (5), (6) and (9) of the Criminal Justice and Immigration Act 2008 (c. 4), section 29(3) and paragraph 3 of Schedule 7 to the Terrorism Prevention and Investigation Measures Act 2011 (c. 23), section 175(1) of the Anti-social Behaviour, Crime and Policing Act 2014 (c. 12), section 15(2) of the Counter-Terrorism and Security Act 2015 (c. 6), S.I. 2010/976 and 2023/1386.

(**c**) Section 276 was amended by paragraphs 10 and 29 of Schedule 25 to the Criminal Justice and Immigration Act 2008 (c. 4).

Name
Secretary of State for Justice
Ministry of Justice

EXPLANATORY NOTE

(This note is not part of the Order)

This Order increases the overall compensation limits that apply to compensation payable by the Secretary of State under section 133 of the Criminal Justice Act 1988 ("the 1988 Act") and section 276 of the Armed Forces Act 2006 ("the 2006 Act") for a particular miscarriage of justice.

Section 133 of the 1988 Act, which extends throughout the United Kingdom, makes provision for the payment of compensation to those who have suffered a miscarriage of justice following conviction in the civilian justice system. Section 133A(5), which extends to England and Wales and Northern Ireland only, specifies that the total amount of compensation payable must not exceed the overall compensation limit.

Article 2 of this Order amends section 133A(5) to increase the overall compensation limit that applies to compensation payable by the Secretary of State from £1 million to £1,300,000 in cases where the person has been detained for at least 10 years and £500,000 to £650,000 in any other case. Compensation is payable by the Secretary of State in relation to eligible England and Wales cases and eligible Northern Ireland cases that are determined by the Secretary of State on national security grounds. This Order does not change the overall compensation limit specified in section 133A(5) that applies to compensation payable by the Department of Justice in Northern Ireland in the remainder of eligible Northern Ireland cases.

Section 276 of the 2006 Act makes provision for the payment of compensation to those who have suffered a miscarriage of justice following conviction by the Court Martial. Article 3 of this Order amends section 276A(5) to increase the overall compensation limit that applies to compensation payable by the Secretary of State by the same amounts referred to above.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

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